



E-Rate Funding—Guaranteed

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June 28, 2011

Letter of Appeal
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

The Clinton-Glen Gardner School District hereby requests a waiver of section 54.504(b)(4) of the Commission's rules.

BEN: 123507
Entity Name: Clinton-Glen Gardner School District

The person who can most readily discuss this with you is the district's E-Rate consultant:

Name: Dan Riordan
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Funding information:

Funding Year: 2011
Form 471 #: 802327
FRNs: 2174160
2174178
2174219
2174187
2174164

The FRNs listed above were denied because the Form 471 was submitted before the 28-day competitive bidding period was completed.

The district filed Form 470 Number 424950000919040 on February 23, 2011. The wrong Form 470 number was entered for the FRNs on Form 471 Number 802327, giving an incorrect Allowable Contract Date on the online form. The error was not noticed when the Form was submitted on March 21, 2011, two days before the correct Allowable Contract Date. Since all the services involved are month-to-month or tariffed, there were no contracts involved. The correct Form 470 was supplied during PIA review, but it was too late to change the submittal

date for the Form 471. The applicant did not receive any bids in response to Form 470 Number 424950000919040 after the Form 471 was submitted.

Waiver of the competitive bidding rules in this case would be consistent with the Aberdeen Order.¹ There is no waste, fraud or abuse in this case. The applicant is not paying a higher price than is otherwise commercially available for the services requested. The applicant did not benefit from the mistake. No service provider was harmed as a result of the ministerial error. No bids were disregarded because these applicants did not fully comply with our competitive bidding rules. The applicant only missed the 28-day deadline by two days and therefore their requests for discounted services were subject to competitive bidding for a meaningful period of time.

The clerical error of clicking the Submit button on the Form 471 early does not warrant complete rejection of the application, and the hardship that the loss of funding will cause the district.

The district requests that the competitive bidding rules be waived for this application, and that the funding requests be funded.

Thank you for your attention to this matter.

Sincerely,



Dan Riordan
President

¹ *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District, Aberdeen, WA, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-297249, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8757 (2007)